

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PENROD MANAGEMENT GROUP, INC.

Civil Action No.: 07-CV-10649

Plaintiff-Petitioner,

- against -

NOTICE OF MOTION

STEWART'S MOBILE CONCEPTS, LTD.,

Defendant-Respondent.

PLEASE TAKE NOTICE, that upon the annexed declaration of Jack Penrod, sworn to on June 2, 2008, with attached exhibit; the declaration of Christine Tramontano, sworn to on June 3, 2008, with attached exhibits; the accompanying memorandum of law; and upon all the pleadings and proceedings had herein, the undersigned will move this Court, on behalf of plaintiff Penrod Management Group, Inc. ("PMG"), before The Honorable Douglas F. Eaton, at the United States District Court, United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York 10007, on a date to be scheduled by the Court, at 9:30 a.m. of that day or as soon thereafter as PMG can be heard, for an Order pursuant to Federal Rule of Civil Procedure 45(c) granting the motion to quash defendant-respondent's Stewart Mobile Concepts, Ltd.'s ("SMC") subpoena *ad testificandum* of Jack Penrod.

Dated: New York, New York
June 3, 2008

Respectfully submitted,

HOLLAND & KNIGHT LLP

By:



Sean C. Sheely

Christine Tramontano

195 Broadway
New York, New York 10007
(212) 513-3200

Attorneys for Plaintiff-Petitioner
Penrod Management Group

Of Counsel:

L.H. Steven Savola, Esq. (*pro hac vice*)
Savola LLC Law Firm
8770 Sunset Drive, #443
Miami, FL 33173
(305) 279-6406

To: Ryan P. Mulvaney, Esq.
McElroy, Deutsch, Mulvaney & Carpenter, LLP
Three Gateway Center
100 Mulberry Street
Newark, NJ 07102

Richard S. Mills, Esq.
McElroy, Deutsch, Mulvaney & Carpenter, LLP
88 Pine Street, 24th Floor
New York, New York 10005

5370963_v2